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Effective promotion of the declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities

Note by the Secretary-General

The Secretary-General has the honour to transmit the report of the Special Rapporteur on minority issues, Rita Izsák-Ndiaye in accordance with General Assembly resolution 68/172.

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Report of the Special Rapporteur on minority issues, Rita Izsàk-Ndiaye

Summary

The present report addresses the human rights of persons belonging to national or ethnic, religious and linguistic minorities, where they find themselves in situations of humanitarian crises, such as conflict, or disasters brought about by natural or man-made hazards.

The impact of humanitarian crises often disproportionately affect minority communities owing to their distinct identity, geographical location, poverty, discrimination or other unique circumstances.

This report seeks to explore some of the underlying conditions of those disproportional impacts. First, the Special Rapporteur investigates how minorities are more likely to be affected by humanitarian crises or disasters. Secondly, she looks at the specific challenges or discrimination that minorities may face during or after potential displacement or disruption owing to a humanitarian crisis or disaster, even when the trigger of that displacement or changed situation is not directly linked to their affiliation to that minority group.

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I. Introduction

1. The present report of the Special Rapporteur on minority issues is submitted to the General Assembly at its seventy-first session in accordance with Assembly resolution 68/172 and Human Rights Council resolution 25/5.

2. Section II of the present report provides a brief overview of the activities of the Special Rapporteur. Section III focuses on minorities in situations of humanitarian crises, in particular, examining the specific challenges facing minorities who are already in situations of vulnerability, whether as internally displaced persons, asylum seekers, refugees, or as victims of disasters. The final section presents conclusions and offers recommendations.

II. Activities of the Special Rapporteur

3. A summary of the recent activities of the Special Rapporteur is available in her 2015 report at the 31st session of the Human Rights Council (A/HRC/31/56, paras. 2-19) and in the Bulletins available on her Office of the High Commissioner for Human Rights website.

A. Country missions during 2016

1. Iraq

4. The Special Rapporteur visited Iraq from 27 February to 7 March 2016. She recognized Iraq's long history of great diversity, but noted with regret that owing to years of marginalization, conflict, ethnic and religious tensions, and recent terrorism, communities have lost trust in each other and in the Government. Iraqi minorities report feeling targeted, marginalized and unprotected. The Special Rapporteur also observed that while the so-called Islamic State or Daesh has created immense suffering and has targeted certain minority communities, the challenges facing minorities started much longer ago, and go much deeper in Iraqi society. The Special Rapporteur further noted that in view of the displacement crisis and its disproportionate impact on minorities, a law on minority rights protection and on internal displacement should also be adopted and explicitly recognize the rights of all ethnic and religious groups to equal protection and to durable solutions in the form of return to their homes or, where that is not possible or desired, local integration or resettlement.

5. The Special Rapporteur also made particular note of the situation of the Yezidi community, and stated that information suggests that all atrocities against Yezidis, including killings, bodily and mental harm, have been committed with the intent to destroy them as a community, in whole or in part. She urged that a full investigation into the crimes committed by Daesh and any other parties to the conflict be conducted and that the perpetrators be held accountable for all crimes and human rights violations, including war crimes, crimes against humanity and genocide. Her full report will be submitted at the thirty-fourth session of the Human Rights Council, in March 2017.

2. Republic of Moldova

6. The Special Rapporteur visited the Republic of Moldova from 20 to 29 June 2016. The Republic of Moldova is a multi-ethnic, multi-religious and multicultural society with a comprehensive legal framework for the protection of minority rights; nevertheless, the lack of dedicated budget provisions and insufficient institutional attention to minority issues remain the main obstacles for its proper implementation.

7. The Special Rapporteur observed that the use of the mother tongue is highly important and emotive for many communities and an essential aspect of personal and community identity. She encouraged the Government to take the necessary measures to guarantee quality education in both the mother tongue and the State language. She called for the introduction of multilingual education methodologies and multilingual classrooms and for public administration services to ensure the use of the State language, Russian and other minority languages. Consultations with religious minorities showed that in most of the country peaceful interreligious relations prevail, although some incidents of racial profiling and religious-motivated attacks against Muslim and Jewish communities were reported. Roma communities continue to experience economic, social and political marginalization and are often victims of discrimination, particularly when accessing the labour market, education and health-care services.

8. Commenting on the possible deepening divide along ethnic, linguistic and other communal lines of the society, she stressed that the future of the Republic of Moldova must be shaped and defined based on such values and principles as respect for human rights, good and inclusive governance and minority rights protection and not by geopolitical labels. Her full report will be submitted at the thirty-fourth session of the Human Rights Council, in March 2017.

3. Sri Lanka

9. The Special Rapporteur has been invited to visit Sri Lanka from 10 to 20 October 2016. She welcomes this opportunity, which has been a priority of her mandate for many years. She intends to examine the situation of minorities throughout the country, taking note of the recent end of the armed conflict which lasted for more than 30 years, and the first 2015 elections which has seen a subsequent widening of democratic space and a new commitment to the promotion and protection of human rights. Her full report will be submitted at the thirty-fourth session of the Human Rights Council, in March 2017.

B. 2016 Annual Report to the Human Rights Council

10. The Special Rapporteur submitted her thematic report on "Minorities and discrimination based on caste and analogous systems of inherited status" at the thirty-first session of the Human Rights Council, in March 2016 (A/HRC/31/56).

C. Forum on Minority Issues

11. The Special Rapporteur has been requested by the Human Rights Council in its resolutions 6/15 and 19/23 to guide the work of the Forum on Minority Issues.

12. The eighth session of the Forum was held in Geneva on 24 and 25 November 2015, with a thematic focus on minorities in the criminal justice system (see A/HRC/31/56). More than 500 delegates participated, including representatives of Member States, United Nations mechanisms, intergovernmental bodies, non-governmental organizations and minorities. They identified challenges and effective practices to combat discrimination against minorities during all stages of the criminal justice process. Recommendations from the Forum were submitted to the Council at its thirty-first session (A/HRC/31/72).

13. The ninth session of the Forum, which will focus on the theme of minorities in situations of humanitarian crises, will be held in Geneva, on 24 and 25 November 2016.

14. In the light of her mandate to guide the work of the Forum (resolution 25/5), the Special Rapporteur has been engaged in ongoing reflections and discussions about ways of refining and improving the format, impact and outreach of the Forum. In this connection, she convened and moderated a side event in Geneva on the sidelines of the 2015 Forum entitled "Minority rights protection in the United Nations system: looking back and looking ahead — A Forum for the future". As a result of the consensus generated during this side event, in 2016 she has decided to convene a consultative event on the sidelines of the seventy-first session of the General Assembly. The meeting will strive to reach out to New York-based humanitarian actors, including civil society, in view of the focus of the Forum on minorities in a situation of humanitarian crisis. She hopes that this consultation will lead to increased awareness of and better engagement with the Minority Forum and will strengthen linkages between relevant Geneva-based and New York-based organizations and initiatives.

III. Minorities in situations of humanitarian crises

A. Introduction

15. According to the Office for the Coordination of Humanitarian Affairs (OCHA), the scale of global humanitarian needs is higher than ever. As of December 2015, there were an estimated 125 million people in need of humanitarian assistance worldwide.[1] Ongoing humanitarian crises in the Syrian Arab Republic, South Sudan and Iraq, and other natural disasters and medical outbreaks, including the Ebola virus disease outbreak in West Africa, have affected the lives of tens of millions of people. Large numbers of people continue to suffer as a result of other new, chronic or recurrent conflicts, crises and disasters. Moreover, currently there are unprecedented numbers of persons displaced worldwide with situations of protracted conflict and violence creating increasingly large numbers of both refugees and internally displaced persons. According to the Office of the United Nations High Commissioner Refugees, by the end of 2015, 65.3 million individuals were forcibly displaced worldwide; the highest number to date, as a result of persecution, conflict, generalized violence, or human rights violations.[2]

[1] Office for the Coordination of Humanitarian Affairs, "Global Humanitarian Overview 2016".
[2] Office of the United Nations High Commissioner Refugees "Global Trends 2015".

Furthermore, an estimated 107.3 million people (also the highest to date) were displaced by disasters.[3]

16. There is, however, no exact data on how many minorities are affected by crises and where: many people go unreached and uncounted for as situations change swiftly and population data are often lacking in the most crisis-prone settings. Nevertheless, during the course of her mandate, the Special Rapporteur on minority issues has observed that minorities, whether ethnic, national, religious or linguistic, can be disproportionately affected, either directly or indirectly, owing to their minority status, during the crisis itself or in the aftermath when seeking protection. The mandate of the Special Rapporteur has repeatedly addressed the plight of such minorities in situations of humanitarian crises through country visits,[4] consultations, side events and thematic reports,[5] and in response to emergent and emergency situations through communications,[6] and press statements.[7] However, despite these contributions, the Special Rapporteur notes there remains a dearth of research and understanding regarding the specific needs and vulnerabilities of minorities in situations of humanitarian crises at the global level.

17. This was perhaps most recently reflected by the recent World Humanitarian Summit convened in 2016 by the Secretary-General in response to the recognition that civil strife and conflicts are driving suffering and humanitarian need to unprecedented levels. Seeking to bring together humanitarian actors to think about ways to improve the international humanitarian system to address the magnitude of

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[3] Internal Displacement Monitoring Centre, "Global Estimates 2015".

[4] Country visit to Iraq, 2016, report forthcoming at the thirty-fourth session of the Human Rights Council, 2017; country visit to Ukraine, 2014 (A/HRC/28/64/Add.1); country visit to Nigeria, 2014 (A/HRC/28/64/Add.2); country visit to Colombia by the former Independent Expert on Minority Issues, 2010 (A/HRC/16/45/Add.1).

[5] "Hate speech and incitement to hatred against minorities in the media", 2015 (see A/HRC/28/64); "Preventing and addressing violence and atrocities against minorities", 2014 (see A/69/266); "Minority rights-based approaches to the protection and promotion of the rights of religious minorities", 2013 (see A/68/268); "The role of minority rights protection in promoting stability and conflict prevention", 2011 (see A/HRC/16/45).

[6] For examples of communications addressing minorities in humanitarian crises see: IRQ 1/2015; IRQ 5/2014; PAK 6/2014. LKA 9/2014; COL 4/2013; COL 4/2013.

[7] Press Release, Kosovo, "Rights experts urge the UN to implement a panel opinion on Roma IDPs poisoned in camps in Kosovo, 15 April 2016", All references to Kosovo in the present document should be understood in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19822&LangID=E#sthash.eXlGbWyl.dpuf; Press Release United States of America, "Flint [Michigan, United States of America]: Fundamentally about human rights — UN experts underline", 3 March 2016, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17139&LangID=E#sthash.MpAeHPkC.dpuf; Press Release Iraq, "Immediate action needed to protect human rights of Yazidis in grave danger", 12 August 2014, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14936&LangID=E; Press Release Iraq: "Impact of conflict on minorities 'devastating '", 25 July 2014, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14904&LangID=E; Press Release, Nigeria, "A forgotten tragedy — UN experts call for a stronger response to internal displacement in Nigeria", 23 July 2014, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14896&LangID=E#sthash.Wr00ljDa.dpuf; Press Release, Central African Republic, "Evacuation of internally displaced populations should be used as a last resort", 25 April 2014, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14896&LangID=E, Press Release, "Sri Lanka: UN experts alarmed at deportations of Pakistani asylum seekers without assessment"-, 14 August 2014.

challenges currently facing the world, the slogan "Leave no one behind" was a core tenet of the Summit. It was also core responsibility 3 in the Secretary-General's report (see A/70/709, annex), and was included in the Chair's summary as a key goal of the Summit. Nevertheless, the Special Rapporteur notes with regret that very few discussions during the Summit actually included reference to the specific situation, and the greater level of vulnerability of minorities. Moreover, in the Chair's Summary, there was no mention of minorities in humanitarian situations.[8]

18. In this context the Special Rapporteur on minority issues has decided to dedicate her final report to the General Assembly to this important topic, considering two guiding questions:

- Are minorities more likely to be affected by humanitarian crises or by disasters, and therefore experience greater hardship, displacement, or increased need to seek refuge in another country?
- In the context of humanitarian crises or disasters, what are the additional challenges that minorities face when seeking protection, even when the trigger of their displacement or changed situation is not directly linked to their affiliation as members of that minority group?

B. Methodology

19. The present report is based on a desk review of existing literature, findings from the Special Rapporteur's country visits and information received in the context of her communications procedure. Sources drawn upon include United Nations publications, and reports of other international organizations, non-governmental organizations, and academia. The report gives an overview of some of the most pressing issues at stake by analysing trends and recurring patterns worldwide regarding specific challenges facing minorities affected by crises. The challenges described below are non-exhaustive and it is important to note that minorities often face a range of additional human rights challenges owing to their very specific situation during complex emergencies.

20. While recognizing the great diversity in the experiences of minorities affected by humanitarian crises, the Special Rapporteur has adopted a global approach, focusing on common themes and patterns experienced by displaced minorities across regions. The Special Rapporteur also refers to particular examples to highlight specific challenges facing minorities. These cases are intended to be illustrative and are in no way exhaustive.

21. The Special Rapporteur hopes, through her analysis, to contribute to the better understanding of the forms of discrimination and violence that minorities face during crises and in their aftermath, and that her report can contribute to improving methods to ensure that in the context of humanitarian crises, minorities are treated in accordance with international human rights law.

[8] World Humanitarian Summit, Chair's Summary, available at: https://consultations2.worldhumanitariansummit.org/bitcache/5171492e71696bcf9d4c571c93dfc6dcd7f361ee?vid=581078&disposition=inline&op=view.

C. The need for disaggregated data

22. Although some studies on specific displacement situations affecting minorities do exist, the Special Rapporteur has observed that there is a lack of accurate, global, disaggregated data that would allow for a clearer global picture of how minorities are affected by humanitarian crises, whether driven by conflict or owing to disasters. While some ad hoc case studies are available on specific situations, much work remains to be done to better document this phenomenon globally through the collection of comprehensive disaggregated data.

23. The Special Rapporteur is aware that there are a number of reasons underlying the lack of readily available data in this field. First, there is the likely reluctance of minorities displaced or affected by crises to identify themselves as ethnic, national, religious or linguistic minorities for fear of further discrimination or violence. Second, States may be unwilling to collect such data, insofar as they do not recognize the affected minority group members as citizens, do not recognize their minority status, do not recognize they have been displaced or do not want to draw attention to specific difficulties faced by members of their societies. Finally, in displacement contexts, humanitarian agencies tend to disaggregate data mainly by sex and age, and rarely address other categories, including minority status or special needs. The lack of accurate data and needs assessment of specific groups such as minorities has therefore had an impact on the ability to develop humanitarian programmes that target and address comprehensively discrimination facing minorities in the context of crises.

24. Greater research and data is therefore required to reveal the full impact of humanitarian crises and disasters on minority communities. In particular, it is necessary to disaggregate data not only by sex and age but also by diversity categories, such as ethnicity and religion that should be determined by contextual realities. Such information, fully adhering to international standards of data protection and use, should be voluntary, and would help to predict and prevent disproportionate impacts of crises conflicts and disasters against certain communities and contribute to the development of much-needed risk assessment and early warning mechanisms.

D. Defining humanitarian crises

25. A humanitarian crisis can be defined as the experience of a country, region or society of a total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single agency and/or the ongoing United Nations country programme.

26. At the national level, this may involve internal armed conflict or hostilities within a State. At the international level, this may involve international armed conflict between two or more armed forces of different countries. Such outbreaks of conflict may cause large-scale mass movements of people, as they flee violence and chaos. This can lead to internal displacement, as well as international migration flows, as affected individuals and communities flee their homes within their own country as internally displaced persons, or migrate abroad, including through

seeking asylum. Conflict may also lead to other large-scale humanitarian crises such as epidemics, food or water insecurity, among others.

27. The Special Rapporteur also includes disasters in her report, whether natural or man-made (see section H below). Defined as calamitous events that seriously disrupt the functioning of a community or society, disasters cause human, material and economic or environmental losses that exceed the community's or society's ability to cope using its own resources. These can be a result of spontaneous natural hazards, such as hurricanes, tsunamis, earthquakes, volcanic eruptions, and wildfires, or be a result of more frequent slow-onset and mega disasters such as recurring droughts or floods. Disasters can result in the devastation of communities, loss of lives, leading to displacement, or migration, and can also lead to more complex emergencies such as loss of livelihoods, famine, housing crises and medical pandemics, which can also lead to mass displacement.

28. Technological or man-made disasters are events that are caused by humans and occur in or close to human settlements. This can include environmental degradation, pollution and accidents and can similarly cause calamitous disruptions to societies and communities.

29. It should also be noted that a range of external factors, such as climate change, unplanned urbanization, and underdevelopment/poverty can aggravate the frequency, complexity and severity of crises and their impact on populations, and in particular minority communities. Although beyond the scope of this report, the Special Rapporteur is also interested in how such aspects may impact upon minority communities, who may find themselves particularly susceptible to the negative influence of these factors, owing to their already existing situation of marginalization.

E. Relevant international and regional legal and policy frameworks for the protection of minorities affected by humanitarian crises

1. International human rights law

30. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly by its resolution 47/135 on 18 December 1992, is the overarching normative framework protecting the rights of minorities. The Declaration establishes that States "shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity" (resolution 47/135, annex, art. 1, para. 1).

31. In its commentary on the Declaration (see E/CN.4/Sub.2/AC.5/2005/2, para. 24), the Working Group on Minorities stated that the protection of the existence of minorities included their physical existence, their continued existence on the territories on which they lived and their continued access to the material resources required to continue their existence on those territories, and that they should neither be physically excluded from the territory nor excluded from access to the resources required for their livelihood.

32. Core international human rights treaties further develop the principles of the inherent dignity and equality of all persons, and enshrine the rights to equality and

non-discrimination.[9] Indeed, the principles of non-discrimination and equality are the fundamental pillars of human rights and minority protection. Similarly, the right to liberty and security of person,[10] prohibition of torture and other ill treatment,[11] and the right to life[12] are relevant for the treatment of minorities in the context of humanitarian crises.

33. Given that minorities are often at risk of statelessness, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness are also relevant. Article 9 of the 1961 Convention stipulates that "A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds".

2. International Humanitarian Law

34. Underlying International Humanitarian Law are the principles of humanity, impartiality,[13] neutrality,[14] and independence,[15] and the key norm of "Do no harm". In the context of minority rights, this is inherently interlinked with the principle of non-discrimination, and therefore all humanitarian action should therefore strive to treat minorities equally, without adverse distinction.

35. The Inter-Agency Standing Committee (IASC), the primary mechanism for inter-agency coordination of humanitarian assistance, has developed Operational Guidelines on protection of persons in situations of natural disaster.[16] This document also contains important references to minorities and an annex on the protection of specific groups, cross-referencing the relevant guidelines.

36. The International Federation of the Red Cross has also developed a Strategic Framework on Gender and Diversity for 2013-2020 which includes some important

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[9] This includes: the International Covenant on Economic, Social and Cultural Rights; the United Nations Convention on the Elimination of All Forms of Racial Discrimination; United Nations Convention on the Prevention and Punishment of the Crime of Genocide; the United Nations Convention on the Rights of the Child, and others. See Office of the High Commissioner for Refugees, "Minority rights: international standards and guidance for implementation", HR/PUB/10/3 (New York and Geneva, 2010), chap. I.A.

[10] Universal Declaration of Human Rights, articles 3 and 9; International Covenant on Civil and Political Rights, article 9; and International Convention on the Elimination of All Forms of Racial Discrimination, article 5 (a) and (b).

[11] Ibid., article 5; International Covenant on Civil and Political Rights, article 7; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and International Convention on the Elimination of All Forms of Racial Discrimination, article 5 (b).

[12] Ibid., article 3; International Covenant on Civil and Political Rights, article 6; and International Convention on the Elimination of All Forms of Racial Discrimination, article 5 (b).

[13] Office for the Coordination of Humanitarian Activities, guiding principles, Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.

[14] Ibid., Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress, making no distinction on the basis of nationality, race, gender, religious belief, class or political opinions.

[15] Ibid., Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may pursue with regard to areas where humanitarian action is implemented.

[16] The Brookings-Bern Project on Internal Displacement, "Inter-Agency Standing Committee operational guidelines on the protection of persons in situations of natural disasters" (Washington, D.C., 2011), available from www.brookings.edu/~/media/research/files/reports/2011/1/06-operational-guidelines-nd/0106_operational_guidelines_nd.pdf.

points regarding the inclusion of minorities in humanitarian relief work. The Framework specifically notes the importance of diversity, and highlights that through embracing diversity, it is possible to reduce the impact of many other humanitarian problems, including violence, inequitable health care and the negative consequences of disasters.[17]

3. International Refugee Law

37. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol are the key international legal instruments defining international refugee protection obligations, at the global level. The Convention defines a refugee and the rights attached to refugee status. The 1967 Protocol subsequently removed the temporal found in the 1951 Convention. Indeed, the core principles of refugee protection as defined by the 1951 Convention and the 1967 Protocol therefore provide specific protection on the basis of persecution because of minority status.

38. The Convention also stipulates in its article 3 that "Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin". Therefore, refugees arriving in a country and becoming a minority in the host country should be protected against discrimination as to race, religion or country of origin.

39. UNHCR has also developed policies and materials that provide further guidance regarding refugees on how to ensure that refugee protection responses are participatory, non-discriminatory, and sensitive to the specific needs of all persons of concern, including the specific needs of members of minority groups. Its Executive Committee (ExCom), comprising over 90 States, adopted in 2005 a General Conclusion on International Protection No. 102 which "acknowledges the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; and encourages UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and well-being of all refugees, in particular the non-discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees".

40. UNHCR's Age, Gender and Diversity policy (2011) specifically addresses diversity, which is understood as referring to "different values, attitudes, cultural perspectives, beliefs, ethnic background, nationality, sexual orientation, gender identity, ability, health, social status, skill and other specific personal characteristics" (see sect. II.5). It further acknowledges that "women and men belonging to national or ethnic, religious and linguistic minorities or indigenous groups often experience discrimination and marginalization, factors that are compounded in forced displacement situations. Age, gender and other specific factors may expose them to additional protection risks and discrimination." It therefore advises UNHCR staff to work closely with minority and indigenous groups to identify the risks they face as well as strategies to mitigate them, which is of fundamental importance (see sect. V.23).

[17] International Federation of Red Cross and Red Crescent Societies, "International Federation of Red Cross strategic framework on gender and diversity issues 2013-2020", available from www.ifrc.org/Global/Documents/Secretariat/201412/IFRC%20Strategic%20Framework%20on%20Gender%20and%20Diversity%20Issues-English.pdf.

41. Finally, UNHCR's *Working with National or Ethnic, Religious and Linguistic Minorities and Indigenous Peoples in Forced Displacement* (2011) is a very useful tool[18] which acknowledges the potential vulnerabilities of minorities who are displaced, and recognizes that these obstacles may be multiplied during forced displacement and increase protection risks.

4. International law on internal displacement

42. The Guiding Principles on Internal Displacement (1998) (see E/CN.4/1998/53/Add.2) are based upon existing international human rights and humanitarian law, as well as analogous refugee law, and are intended to serve as the international standard guiding States, international organizations and other relevant actors in providing assistance and protection to internally displaced persons. Principle 6.2 stipulates that "the prohibition of arbitrary displacement includes displacement: (a) when it is based on policies of apartheid, ethnic cleansing, or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population". Principle 9 further stipulates that "States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands".

5. Relevant regional standards

43. At the regional level there have also been some specific instruments and references to minorities in the context of crises. The Organization of African Unity has adopted the Convention governing the Specific Aspects of Refugee Problems in Africa (1969). Furthermore, during the International Conference on the Great Lakes Region, held in 2006, 11 States adopted the binding Pact on Security, Stability and Development in the Great Lakes Region, comprising 10 separate protocols, including the Protocol on the Protection and Assistance to Internally Displaced Persons. Principles 6 and 9 of the Protocol replicate the provisions of Guiding Principles 6 and 9 referenced above on protection from displacement and on specific protection granted to indigenous peoples, minorities and other groups.

44. The above-mentioned Protocol further served as impetus for the African Union to draft the first legally binding regional instrument on internally displaced persons: the African Union Convention for the Protection and Assistance of internally displaced persons in Africa (Kampala Convention). The Convention, which was adopted in 2009 and entered into force in 2012, advances a regional approach to protecting the rights of internally displaced persons in efforts to achieve peace, security and development. In terms of minority rights protection, article 4(5) stipulates that the prohibited categories of arbitrary displacement include but are not limited to "displacement based on policies of racial discrimination or other similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the population". Article 5 of the Convention provides that "States Parties shall endeavour to protect communities with special attachment to, and dependency on, land due to their particular culture and spiritual values from being displaced from such lands, except for compelling and overriding public interests".

[18] Office of the United Nations High Commissioner for Refugees (UNHCR), "Working with national or ethnic, religious and linguistic minorities and indigenous peoples in forced displacement" (Geneva, 2011). Available from www.refworld.org/docid/4ee72a2a2.html.

45. The 1984 Cartagena Declaration on Refugees (Cartagena Declaration) is heralded as a key accomplishment in the development of the refugee protection regime in the Americas. Adopting a broad definition of who can be considered a refugee, it goes beyond the definition contained in article 1(A) of the 1951 Convention and the 1967 Protocol, by extending to "persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order." Although not binding, some States have adopted it into their national law.

46. Furthermore, in 2013, the General Assembly of the Organization of American States approved two new international legal instruments: the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against all Forms of Discrimination and Intolerance. The latter is more comprehensive in the protection of vulnerable groups, including minorities, and also includes innovative formulations that specifically benefit internally displaced persons in the region. The Convention expressly forbids discrimination against internally displaced persons regarding access to public services and curtailment of rights related to employment, subsistence and political participation. Therefore the Convention can also assist in situations of discrimination against internally displaced persons who also belong to other minority groups. The Convention, however, has not yet entered into force.

F. Nexus between humanitarian crises and minority status

47. There is sometimes a direct causal link between belonging to a minority group and being affected by a humanitarian crisis. Indeed, belonging to a minority group can be a direct factor leading to displacement in the context of conflict. As has been observed by OHCHR, the "lack of respect for, lack of protection and lack of fulfilment of the rights of minorities may be at least a contributing factor if not the primary cause of displacement and may in the worst cases — even lead to the extinction of such communities. The displacement of minorities can thus serve as an indicator of the degree to which their rights are respected, protected and fulfilled in the country from which they are displaced."[19]

48. However, although there are case studies that document the direct link between minorities and humanitarian crises, research on this issue has been largely limited to ad hoc reports on specific situations or conflicts. Indeed, it is very difficult to find statistics or data on the disproportionate impact of conflict and crises of minorities.

49. Nevertheless overall trends do indicate a correlation between the impact of crises and minority status.[20] As the Special Rapporteur in her report on religious minorities (A/68/268, para. 81) has stated, information received from all regions regrettably reveals the far greater risks faced by religious minorities both in times of peace and during conflict and post-conflict contexts. Such persons may be

[19] OHCHR, "Minority rights: international standards and guidance for implementation", HR/PUB/10/3 (New York and Geneva, 2010).

[20] See A/HRC/32/35, para. 76, wherein the Special Rapporteur on the human rights of internally displaced persons noted that internal displacement disproportionately affects certain communities, including minority groups.

individually targeted or face insecurity primarily during community activities. At the level of the group, violations include forced displacement and cultural cleansing of towns, villages and other territory from "impure" and "dehumanized" religious "others".

50. Indeed, displacement of minority communities continued unabated in 2014 and 2015. In Iraq, visited by the Special Rapporteur in February 2016, the Yezidi minority have been targeted on the basis of their identity by the Islamic State, and forced to flee their homes, in particular in Sinjar, Northern Iraq. Other Iraqi minority communities, including Christians, Turkmen, and certain Sunni Arab tribes, have also been particularly exposed to attacks by members of the Islamic State.

51. Violence against minorities during conflict also can lead to long-term displacement of those minorities. For example, in 1990, the Liberation Tigers of Tamil Eelam expelled the entire Muslim population, estimated to be at least 70,000, from Northern Sri Lanka, many of whom to date have not been able to return to those lands.

52. Even outside fully fledged armed conflicts, discrimination against minority groups in societies may reach such levels that it results in hate-based crimes and leads to internal displacement. In Myanmar, violence and atrocities committed against the Rohingya, coupled with the Government's refusal to recognize their status as an ethnic minority, and denial of their citizenship, has been and is still pushing the Rohingya to flee to other parts of the country or abroad.

53. Minorities might be disproportionately affected by conflict over their lands or natural resources. For example, in Nigeria, the Special Rapporteur observed that competition for land between nomadic pastoralists and local farmers was a major conflict-generating issue in both Kaduna and Plateau States, which have often been portrayed as interreligious conflicts (see A/HRC/28/64/Add.2 para. 30).

54. Furthermore, minorities may experience disproportionate effects of conflicts owing to aggravating factors: minorities who are marginalized or poor may live in the most remote or impoverished regions or neighbourhoods, including in urban slums where humanitarian protection or even police protection is limited, and thus they may experience a disproportionate impact of crises that break out, or owing to their vulnerability and marginalization, be less well equipped in the face of emerging conflicts.

G. Specific human rights challenges facing minorities affected by humanitarian crises

55. While minorities may be affected in different ways by humanitarian crises owing to their minority status or indirectly, they may also often face specific human rights challenges and discrimination during or after potential displacement or disruption because of humanitarian crises, owing to their specific position as a member of a minority group in a society, even when the trigger of their displacement or changed situation is not directly linked to their affiliation to that minority group. Indeed, the Special Rapporteur notes that belonging to a minority, coupled with other potential discriminatory factors, such as gender, can have a dramatic impact on humanitarian protection afforded to the person.

56. On the one hand, the disadvantage experienced by minorities in terms of accessing humanitarian relief in crisis is often explained by existing logistical limitations. In crisis and conflict situations, humanitarian assistance may be concentrated in capital cities and/or in a small number of very large, officially recognized refugee or internally displaced persons camps, with very little reaching the periphery where minority and vulnerable populations may reside.

57. However, while external constraints on emergency responses, including security, access and cost, are certainly significant, they are barriers that should and could be overcome with targeted planning and design. Furthermore, while humanitarian actors need to be sensitive to risk factors during conflict, risk aversion cannot mean that humanitarian actors should prioritize the easiest-to-reach over the most vulnerable. To the contrary, a key consideration in any successful humanitarian intervention is the capacity to overcome, or at least adapt to, certain constraints to ensure non-discriminatory and equal access to humanitarian assistance for all.

58. While each crisis situation is unique, in the sections below, the Special Rapporteur highlights issues in a number of key areas of concern that can potentially lead to or heighten the vulnerability of minorities in situations of humanitarian crises.

1. Threats to existence: violence against minorities in times of crises

59. Minorities affected by crises and disasters may be specifically targeted and may be at particular risk with regard to their physical safety and security both during crises and in their aftermath. Indeed, and regrettably, many contemporary conflicts are based on superiority ideologies in which targeting minorities is one of the key drivers of the conflict (see A/68/266). Challenges facing minorities during conflict may include, inter alia, violence and xenophobic attacks against them, whether physical or verbal attacks. This could be attributed to a breakdown of law and order during conflict, or the targeting of the minority group may in fact play a role in the source conflict. In some cases, the physical integrity of minorities during conflict can even be a key aspect of the conflict, and amounting to ethnic cleansing, crimes against humanity or atrocity crimes.

60. Minorities may also experience particular restrictions on their freedom of movement during conflict and humanitarian crises, including more frequent stops or because of their identity even being blocked at border and checkpoints when attempting to flee conflicts, as well as intimidation, discrimination or even violence against them when trying to flee. For example, it has been well documented that sub-Saharan African migrants and asylum seekers, seeking to transit through countries in North Africa en route to Europe have been particularly targeted on account of their race, and suffered violence.[21] In some instances, minorities seeking asylum status may be arbitrarily detained and forcefully deported to their home countries without adequate assessment of their asylum claims[22] and/or may

[21] Amnesty International, "Libya is full of cruelty: stories of abduction, sexual violence and abuse from migrants and refugees" (London, 2015). Available from www.amnesty.org.uk/sites/default/files/libya_is_full_of_cruelty.pdf.

[22] See Urgent appeal, case No. LKA 9/2014 see also OHCHR, "Sri Lanka: United Nations experts alarmed at deportations of Pakistani asylum seekers without assessment", 14 August 2015, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14942&.

encounter particular obstacles to be registered as asylum seekers based on their minority characteristics.[23]

61. In other circumstances, including during internal conflicts, certain minorities' freedom of movement is restricted on account of their identity, owing to perceived threats that they pose. This can lead to a refusal to permit passage to safe areas and restrict access to humanitarian assistance for those individuals because of the community's identity or ethnicity. The Special Rapporteur observed this with regard to internally displaced persons in relation to Sunni Muslims in the Kurdistan region in Iraq (see A/HRC/32/35/Add.1, para. 43).

62. Violence against minorities can also be more insidious, as has been evident with the recent migration crisis in Europe. Recent protracted conflicts in the Middle East, and in particular the Syrian Arab Republic, led to mass migration flows to Europe in 2015 and 2016. However, this has also been coupled by certain xenophobic reactions against particular flows of asylum seekers and refugees fleeing crisis, which may in turn lead to more violence and insecurity against them.

2. Access to food, water and sanitation, health care, education and employment opportunities

63. Given their extreme vulnerability, minorities face additional challenges in accessing basic economic, social and cultural rights either during crises or in their aftermath. Owing to discrimination and marginalization, minorities who are affected by crises and disasters often lack proper access to water and sanitation, adequate food, and other services including health care, and to education.

64. For example, the Muhamasheen minority in Yemen have been severely affected by the Yemeni conflict, and suffer from an almost absolute lack of protection in a protracted situation of conflict crises and limited humanitarian resources. Unlike others affected by the conflict, Muhamasheen have often been displaced into open spaces or the edges of towns, making their access to resources, such as shelter, water or medical emergency assistance, even more difficult.[24]

65. The differentiated access to economic, social and cultural rights for particular minority groups in situations of displacement can often be compounded by a lack of adequate documentation. This may further impede access to humanitarian assistance, including a range of public services during crises such as health care, education, housing and employment programmes, as well as social integration. For example, the Special Rapporteur on internally displaced persons noted in his report on Serbia and Kosovo[25] that Roma, Ashkali and Egyptian internally displaced persons have been more vulnerable than other internally displaced persons in accessing basic services owing to their lack of documentation (see A/HRC/26/33/Add.2, para 20).

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[23] Human Rights Watch, *World Report: 2016 — Events of 2015* (New York, 2016).

[24] Glenn Payot, Advocacy Officer of the Minority Rights Group, advocacy statement made at the thirty-first session of the Human Rights Council, Geneva, 15 March 2016. Available from http://minorityrights.org/advocacy-statements/mrg-calls-the-attention-of-the-un-human-rights-council-on-minorities-in-yemen-and-ogiek-in-kenya/.

[25] All references to Kosovo in the present document should be understood in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

66. Minority groups fleeing crises can face disproportionate obstacles in terms of accessing labour markets, when they are in camps and once they are in host communities. Discrimination and fear is often at the origin of this challenge. The right to education can also be particularly impeded, especially for children who flee a crisis and enter a country where they do not know the language.

3. Accessing housing, land and property rights

67. The issue of housing, land and property during crises and their aftermath can have important implications for minorities. Often clearly linked to the question of documentation, minorities often do not have official papers to prove their land rights. Moreover, land may have a particular meaning for minority communities, as some groups may have a particular attachment to their land or as their whole culture may rely on land. Therefore in the aftermath of crises, addressing the issue of security of tenure is essential when addressing the challenges facing displaced minorities.

68. In some cases, when conflict erupts, minorities may have their property confiscated.[26] In her report on the visit to Ukraine, the Special Rapporteur referred, among other concerns, to the loss of property by those displaced from the Autonomous Republic of Crimea, including reports of property seizure (see A/HRC/28/64/Add.1, paras. 48 and 62). Furthermore, where minorities flee or are expelled from their lands owing to conflicts or crises, and new communities have settled there, it may be particularly challenging for minorities to reclaim those lands. This difficulty can be compounded where minorities lack documentation to prove ownership rights (see A/HRC/22/49/Add.1), and in particular where ownership was established through customary law.

69. According to the Inter-Agency Standing Committee Guidelines, traditional claims of ethnic minority groups to land title and ownership in the absence of land title documents should be respected, including through providing legal advice or legal aid to such communities and advocating for the amendment of laws and procedures, where necessary, for the safeguard of their land rights.[16]

4. Forced returns

70. Minorities may also be at particular risk of forced return, either in the context of an ongoing humanitarian crisis or once such a crisis is deemed to have ceased. Return always needs to be voluntary, and carried out in safety and dignity in participation and consultation with minorities. Regrettably, the Special Rapporteur has observed with concern examples of minorities forcefully deported back to situations of crises or persecution.[27]

71. Returns following the cessation of conflict have been extensively documented, in particular in connection with the return of Roma from Western Europe to the

[26] OHCHR, "Iraq: impact of conflict on minorities 'devastating' — United Nations experts", 25 July 2014, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=14904.

[27] OHCHR, "Sri Lanka: United Nations experts alarmed at deportations of Pakistani asylum seekers without assessment", 14 August 2014, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14942&.

Balkans.[28] Where deportations take place without consent, minorities may face numerous obstacles to their basic human rights, including lack of access to personal documents and statelessness; problems repossessing their property or obtaining housing; difficulties accessing education, health, employment and social welfare; and separation from family members. In some cases, loss of temporary protection status in host countries and the forced repatriation to their countries of origin, coupled with the lack of adequate policies for the integration of returnees, have resulted in minority communities being forced into continuous migration.[29]

5. Specific vulnerable groups

(a) Stateless persons

72. Minorities are often disproportionately affected by statelessness (see A/HRC/7/23, para. 20),[30] as a result of discriminatory nationality and citizenship legislation which may deny or deprive the citizenship for some ethnic, linguistic, racial or religious groups, or because of discriminatory implementation of nationality laws on similar grounds. Minorities can also be at higher risk of statelessness as a result of lack of access to personal documentation.

73. Stateless persons are particularly vulnerable as they do not enjoy the right to nationality or any of the corresponding human and civil rights, and they may be targeted, or not adequately protected, by national authorities. In times of humanitarian crises, conflict or natural disasters, this lack of protection can be particularly acute. Statelessness can often be a root cause of forced displacement, particularly in times of crises. Forced displacement can in turn heighten the risks of becoming stateless, particularly as documents may be lost in flight.

74. In Myanmar, for example, discriminatory citizenship laws have led to the statelessness of the Rohingya, who continue to face particular obstacles in accessing humanitarian assistance, which was particularly highlighted during the outbreak of violence in 2012 (see A/HRC/32/18, paras. 19 and 26).

75. In particular, it can be especially challenging for minorities affected by crises to obtain documentation or the replacement of lost or destroyed documentation given their status as minorities and as displaced persons (see A/HRC/26/33/Add.2, para. 21).

(b) Minority women and girls

76. Owing to multiple and intersecting forms of discrimination, specific challenges face minority women and girls affected by humanitarian crises. According to the General Recommendation on women in conflict prevention, conflict and post-conflict situations of the Committee for the Elimination of

[28] For example, see Human Rights Watch, "Rights displaced: forced returns of Roma, Ashkali and Egyptians from Western Europe to Kosovo", 27 October 2010, available from https://www.hrw.org/report/2010/10/27/rights-displaced/forced-returns-roma-ashkali-and-egyptians-western-europe-kosovo.

[29] Angela Mattli and Stephan Müller, "Lost in transition: the forced migration circle of Roma, Ashkali and Balkan Egyptians from Kosovo" (Ostermundigen, Switzerland, Society for Threatened Peoples, 2015). Available from https://assets.gfbv.ch/downloads/kosovobericht_low_doppelseiten_online.pdf.

[30] Denial or deprivation of citizenship and statelessness affects some 15 million people in 49 countries, particularly those belonging to minority groups.

Discrimination against Women (see CEDAW/C/GC/30, para. 36), during and after conflict specific groups of women, including, inter alia, internally displaced and refugee women, women of diverse caste, ethnic, national or religious identities, or of other minorities, are at a particular risk of violence, especially sexual violence. These groups of women "are often attacked as symbolic representatives of their community". The Committee has further noted that stateless women and girls face heightened risk of abuse during conflict, owing to, among other factors, their minority status (ibid, para. 60). Minority women may be particularly at risk of sexual and gender-based violence and other forms of violence, including slavery and trafficking. The Special Rapporteur was deeply troubled and saddened when she listened to the testimonies of Yezidi women in Iraq of sexual and gender-based violence committed against them by Daesh, which acts must be fully investigated and their perpetrators prosecuted.[31]

77. Furthermore, during conflicts, natural disasters and other emergencies, sexual and reproductive health needs are easily overlooked: This may be particularly compounded for minority women who may be less able to access already limited humanitarian services during crises, for many of the reasons noted above.[32]

78. Minority women also face specific obstacles in terms of accessing and protecting their rights to land and property during crises. Where they are not entitled to own, inherit, or rent, women, and in particular minority women may find it impossible to find safe housing. They may also be unable to enforce their inheritance rights or claim jointly owned or matrimonial assets, especially if they mislay their marriage documents, or these have been destroyed or never existed, which may particularly affect minority women who are married under traditional or customary law not recognized by the State.

H. Minorities and disasters brought about by natural or man-made hazards

79. Evidence indicates that minority communities may be more vulnerable to disasters, both natural and human-made, insofar as they may be both inadequately prepared for such emergencies, and disproportionately affected by them. Furthermore, experience has demonstrated that minority communities are also less likely to be equal beneficiaries of adequate humanitarian aid and/or rehabilitation when or after disasters strike.

1. Vulnerability to disasters

80. The reasons for the differentiated experience of minorities in the context of disasters are multiple. In terms of increased vulnerabilities, the Special Rapporteur notes that this may be due to the fact that disadvantaged minorities may reside in remote and marginal areas that are more susceptible to disasters, or have fewer

[31] See Rita Izsák-Ndiaye, Special Rapporteur on minority issues, statement on conclusion of her official visit to Iraq, 27 February to 7 March 2016, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17157&LangID=E.

[32] Paola Salwan Daher, Global Advocacy Adviser of the Centre for Reproductive Rights, oral statement at the seventh session of the Forum on Minority Issues, Geneva, November 2014. Available from www.ohchr.org/Documents/HRBodies/HRCouncil/MinorityIssues/Session7/item6/Participants/Center%20for%20Reproductive%20Rights.pdf.

resources to evacuate easily. For example, the location of minority homes and settlements may be on the periphery of more established neighbourhoods in areas more susceptible to disasters such as floodplains, coastal towns, and unstable hillsides, or more closely situated next to landfills or other undesirable sites that may be potential locations of man-made disasters. Marginalized minorities may also reside in slum areas or shantytowns, or more remote regions which often are lacking basic infrastructure, and may therefore be particularly at risk during disasters (see A/HRC/31/56, para. 92).

81. There are numerous examples from around the globe of where minorities have been particularly affected by natural disasters. In 2014, floods in Bosnia and Herzegovina had a disproportionate impact on particular Roma communities.[33] In 2005, Muslims in the south, south east and the east coast of Sri Lanka were the worst affected by the tsunami that hit the country. China, for example, is one of the countries with the highest occurrence of disasters, which disproportionately affect rural areas of the country where ethnic minorities reside.

2. Access to humanitarian aid

82. Unfortunately, minorities may not only be disproportionately impacted by disasters, but also may experience discrimination in terms of equal access to humanitarian aid in times of disasters, a discrepancy which often then extends to the rehabilitation phase, thereby keeping minorities socially and economically behind in their longer-term recovery from such events.

83. As noted in her report of 2016 to the Human Rights Council, the Special Rapporteur observed that an analysis of emergency responses to natural disasters in South Asia, including in India, Pakistan, Sri Lanka and Nepal, has demonstrated that Dalits, for example, have suffered from acute discrimination throughout all the phases of disaster response, from rescue to rehabilitation (see A/HRC/31/56, para 93).

84. This was also the case regarding the 2005 Hurricane Katrina, which wreaked havoc across the United States Gulf Coast. While the hurricane led to one of the greatest episodes of internal displacement in United States history, with over a million people forced from their homes and communities, the disaster also had a clear racial dimension. In terms of evacuation, in the state of Louisiana for example, the funded evacuation plan relied on personal vehicles as the primary means of escape. However, Black Americans, who constituted the majority of the pre-Katrina population of New Orleans, were less likely to own cars than whites, and therefore faced a serious disadvantage. Another example comes from Pakistan, where there are allegations that members of the Ahmadivya Muslim community did not receive equal access to humanitarian services in the aftermath of the catastrophic 2010 floods.[34]

85. The Special Rapporteur does not suggest that an intention of direct discrimination by humanitarian relief providers is necessarily always the cause of

[33] Michelle Yonetani, "Global estimates 2015: people displaced by disasters" (Geneva, Internal Displacement Monitoring Centre, Norwegian Refugee Council, 2015). Available from www.internal-displacement.org/assets/library/Media/201507-globalEstimates-2015/20150713-global-estimates-2015-en-v1.pdf.

[34] Atif M. Malik, "Denial of flood aid to the Ahmadiyya Muslim community of Pakistan", 2011, available from https://cdn2.sph.harvard.edu/wp-content/uploads/sites/13/2013/06/Malik-FINAL2.pdf.

differential treatment of minorities in the aftermath of disasters. Politically dominant areas may happen to be more accessible to points of entry for finance, materials and relief personnel, a situation often referred to as "tarmac bias".

86. However, State actors are primarily responsible for the organization and distribution of humanitarian relief. Moreover, there are proven cases of inharmonious or strained relationships between the majority State and the minority-affected groups, which may impact upon relief efforts, including for international organizations where control is maintained at the national level. This is a stark reminder that when human rights are not sufficiently accounted for, the consequences in disaster relief include unequal access to assistance and discrimination, in which aid agencies can become unintentionally complicit.

87. Furthermore, other reasons more linked to the institutionalized discrimination experienced by marginalized minorities may also play a more critical role in explaining the disparate experience of minorities in accessing humanitarian relief in post-disaster settings. For example, minority communities are often isolated from or mistrust the institutions, organizations and agencies responsible for emergency planning and response. As noted in the 2015 report of the Special Rapporteur (A/70/212) to the General Assembly, relations between minority communities and law enforcement are often problematic. Complaints of both over-policing and under-policing, along with allegations of police abuse are a common part of the minority experience. Given that these same agencies often play a fundamental role as first responders in times of humanitarian crises, the distrust of law enforcement and the justice system, and social and political isolation may pose barriers to effective relief efforts.[35]

88. Moreover, a critical component of all emergency planning and assistance is communication. In order to reach vulnerable individuals, emergency plans and information must be disseminated before, during and after emergencies and disasters. Particularly for minority groups whose members have limited proficiency in the majority language, receiving adequate information during times of disaster may be a significant challenge. Even multilingual efforts — because of difficulties in developing culturally tailored materials — may fall short of providing equal and effective information.

89. Effective and adequate planning can be essential for communities living in regions that are prone to such events. However, minority and disempowered populations may be at a disadvantage in securing equitable policy decisions from elected and appointed official bodies through conventional processes because political power tends to be asymmetrical.

3. Impact of emergency response failures

90. Emergency response failures can have catastrophic consequences, including loss of the ability to work or live independently, permanent injury and even death. For minorities who are likely to suffer disproportionate harm in disaster, this can be compounded. Thus, the needs of minorities must be addressed during all three phases of emergency response operations — pre-event planning and preparation, the event and recovery.

[35] See International Committee of the Red Cross, *To Serve and To Protect: Human Rights and Humanitarian Law for Police and Security Forces* (Geneva, 2014).

91. There are long-lasting consequences for failing to properly integrate principles of non-discrimination and the protection of minorities into disaster response planning. If minorities perceive themselves to have received lesser treatment during such disasters, this may fuel not only distrust in authorities but could actively contribute to fuelling future ethnic conflicts and tensions between the minority communities and other communities or the State. Indeed, and in particular in fragile societies where relationships between minority communities and majorities are already strained, relief and reconstruction responses must not operate as stand-alone natural disaster responses, but also always consider the broader human rights implications of their approaches.

92. Finally, while internal displacements due to disasters have traditionally been for short periods, their increased frequency and severity, including owing to climate change, point to more chronic situations likely to involve new, more prolonged or definitive displacements — and requiring more comprehensive displacement responses, in particular taking into account the needs of minorities. Moreover, recurrent disasters, such as more frequent flooding for example, can significantly impact the resilience of the people living in disaster-prone areas, including owing to destruction of livelihoods and destruction of homes and basic infrastructure.

I. Challenges facing displaced minorities in the search for durable solutions

93. Minorities may face particular challenges in the search for durable solutions, which can include returning to places of origin (for internally displaced persons) or voluntary repatriation (for refugees) once crises or disasters have subsided, or alternatively settlement elsewhere in the country (for internally displaced persons) and resettlement to a third State (for refugees) in host communities.

94. In terms of return or repatriation, minorities may face particular obstacles, if they fled owing to violence perpetrated against them because of their minority status and the root conditions of that violence have not been resolved. Minorities may also be reluctant or unable to return home where, upon returning to their place of origin or habitual residence they have become even more marginalized because the conflict or disaster has for instance changed the demographics of an area. Furthermore, return or repatriation is often more difficult for those who have no land to return to, which may often be the case for marginalized minorities who may not have security of tenure over their lands.

95. Local integration and settlement in new communities can be particularly challenging for minorities who are internally displaced persons and refugees, as they need to adapt to new environments, with no support networks, and may be victims of discrimination with host communities.

96. Although the resettlement of refugees to third countries from refugee camps makes up only a very small percentage of all durable solutions, there is also the worrying concern that certain ethnic or national minorities are routinely excluded from such programmes.

IV. Conclusions and recommendations

97. **In view of the fact that the 9th Forum on Minority Issues, which will take place in Geneva on 24-25 November 2016, will enable further reflection on this topic, and elaborate a report with a set of concrete recommendations regarding minorities in situations of humanitarian crisis which will be submitted to the Human Rights Council in 2017, the Special Rapporteur will now limit herself to the general concluding observations and recommendations described below.**

98. **The current global humanitarian context is alarming. Ongoing and protracted conflicts are leading to massive displacement crises: there are unprecedented numbers of refugees and internally displaced persons, and inter-ethnic and interracial tensions and conflict are erupting in nearly every region of the world. Many conflicts threaten to further deteriorate, and new conflicts are emerging. These conflicts are often rooted in power struggles, identity politics, competition for resources, rising income disparities and socioeconomic inequalities, and increasing polarization of societies, making national, ethnic, religious and linguistic minorities particularly vulnerable; indeed many of the persons who flee their countries for fear of persecution are members of minority groups targeted precisely because of their minority identity. Furthermore, with the impact of climate change, disasters are becoming all too frequent and widespread, further affecting minorities.**

99. **In this regard, the Special Rapporteur believes that the international community must better recognize the vulnerability of minorities in crisis situations, develop more targeted strategies and invest more to respond to them. Although the identification of minority groups in a situation of crises might be difficult, protection mechanisms, including humanitarian assistance programmes, need to be designed in a way which addresses their specific needs and enable these groups to avoid undue disparate impacts as well as retain their identity.**

100. **This means that the humanitarian system needs to make a concerted effort to ensure that their responses meet people who are hard to reach and address the specific needs of minority communities. Efforts need to take into account the vulnerability of minorities to displacement and multiple forms of discrimination during crises, as well as the specific challenges facing minorities affected by crises owing to their very situation as minorities, including through paying particular attention to a range of issues, notably, security and safety; documentation; standard of living; livelihood and employment; education; housing, land and property issues and the particular status of minority women and girls. Attention also needs to be paid to those most vulnerable within minority communities, including women, older persons, persons with disabilities, and youth among others.**

101. **To this end, the collection of data disaggregated by ethnicity, religion and language is essential to adequately map affected groups in humanitarian crises and natural disasters. Data collection programmes should allow for diverse forms of self-identification and comply with international standards regarding the right to privacy. Furthermore, national authorities should collect and share data on all causes of displacement in their country. Equality and anti-discrimination laws and legal protection of minorities, and other**

potentially vulnerable groups should be in place and include provisions relating to the prohibition of unlawful displacement.

102. Humanitarian responders, whether national or international, should also receive training to better understand the minority rights framework in order to be able to better identify discrimination against minorities in situations of crisis, and to be better equipped to be able adequately to respond to their needs. Recruitment of minorities into humanitarian agencies should be encouraged.

103. In particular, the international community should continue to support national Governments' humanitarian response capacity, through training, technical assistance, financial commitments, with a view to strengthening national protection and response mechanisms on minorities in situations of crises; addressing the immediate humanitarian and protection needs of affected minorities; and promoting durable solutions for affected minorities. Just as humanitarian agencies have gender focal points and gender policies, it could be useful to establish similar organizational structure and policies for minorities.

104. In terms of disasters, all actors should strive to mitigate the adverse impact of natural hazards on communities, for example through effective disaster risk reduction and mitigation measures, especially in areas prone to recurrent disasters, through including minorities in disaster risk reduction programmes from the outset. Overall, the Special Rapporteur notes that much can be done to anticipate and address the needs of at risk minorities during catastrophic events. Adequate planning will go far to minimize the extent to which these groups suffer disproportionately and experience devastating outcomes. Responsible emergency preparedness and response efforts that incorporate a minority rights approach, ensuring that minority voices can raise their concerns and opinions regarding relief and recovery efforts, can be critical to preventing disasters from having a disproportionate impact on, or further ravaging the lives of minority communities.